



General Assembly

January Session, 2005

Raised Bill No. 6978

LCO No. 4998

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Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING ALTERNATIVES TO INCARCERATION,
DIVERSION PROGRAMS AND COMMUNITY-BASED SERVICES FOR
FEMALE CHILDREN IN THE JUVENILE JUSTICE SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows: (1) "Child"
5 means any person under sixteen years of age and, for purposes of
6 delinquency matters, "child" means any person (A) under sixteen years
7 of age, or (B) sixteen years of age or older who, prior to attaining
8 sixteen years of age, has violated any federal or state law or municipal
9 or local ordinance, other than an ordinance regulating behavior of a
10 child in a family with service needs, and, subsequent to attaining
11 sixteen years of age, violates any order of the Superior Court or any
12 condition of probation ordered by the Superior Court with respect to
13 such delinquency proceeding; (2) "youth" means any person sixteen or
14 seventeen years of age; (3) "youth in crisis" means any youth who,
15 within the last two years, (A) has without just cause run away from the

16 parental home or other properly authorized and lawful place of abode,
17 (B) is beyond the control of the youth's parents, guardian or other
18 custodian, or (C) has four unexcused absences from school in any one
19 month or ten unexcused absences in any school year; (4) "abused"
20 means that a child or youth (A) has been inflicted with physical injury
21 or injuries other than by accidental means, or (B) has injuries that are at
22 variance with the history given of them, or (C) is in a condition that is
23 the result of maltreatment such as, but not limited to, malnutrition,
24 sexual molestation or exploitation, deprivation of necessities,
25 emotional maltreatment or cruel punishment; (5) a child may be found
26 "mentally deficient" who, by reason of a deficiency of intelligence that
27 has existed from birth or from early age, requires, or will require, for
28 his protection or for the protection of others, special care, supervision
29 and control; (6) a child may be convicted as "delinquent" who has
30 violated (A) any federal or state law or municipal or local ordinance,
31 other than an ordinance regulating behavior of a child in a family with
32 service needs, (B) any order of the Superior Court, except as provided
33 in subsection (b) of section 46b-148, as amended by this act, or (C)
34 conditions of probation as ordered by the court; (7) a child or youth
35 may be found "dependent" whose home is a suitable one for the child
36 or youth, save for the financial inability of the child's or youth's
37 parents, parent [.] or guardian, or other person maintaining such
38 home, to provide the specialized care the condition of the child or
39 youth requires; (8) "family with service needs" means a family that
40 includes a child who (A) has without just cause run away from the
41 parental home or other properly authorized and lawful place of abode,
42 (B) is beyond the control of the child's parent, parents, guardian or
43 other custodian, (C) has engaged in indecent or immoral conduct, (D)
44 is a truant or habitual truant or who, while in school, has been
45 continuously and overtly defiant of school rules and regulations, or (E)
46 is thirteen years of age or older and has engaged in sexual intercourse
47 with another person and such other person is thirteen years of age or
48 older and not more than two years older or younger than such child;
49 (9) a child or youth may be found "neglected" who (A) has been

50 abandoned, or (B) is being denied proper care and attention,
51 physically, educationally, emotionally or morally, or (C) is being
52 permitted to live under conditions, circumstances or associations
53 injurious to the well-being of the child or youth, or (D) has been
54 abused; (10) a child or youth may be found "uncared for" who is
55 homeless or whose home cannot provide the specialized care that the
56 physical, emotional or mental condition of the child requires. For the
57 purposes of this section, the treatment of any child by an accredited
58 Christian Science practitioner, in lieu of treatment by a licensed
59 practitioner of the healing arts, shall not of itself constitute neglect or
60 maltreatment; (11) "delinquent act" means the violation of any federal
61 or state law or municipal or local ordinance, other than an ordinance
62 regulating the behavior of a child in a family with service needs, or the
63 violation of any order of the Superior Court; (12) "serious juvenile
64 offense" means (A) the violation [by a child] of, including attempt or
65 conspiracy to violate, [sections] section 21a-277, 21a-278, 29-33, 29-34,
66 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive,
67 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to
68 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95,
69 53a-101, 53a-102a, 53a-103a [] or 53a-111 to 53a-113, inclusive,
70 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
71 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a,
72 53a-166 [] or 53a-167c, subsection (a) of section 53a-174, or section
73 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a child, or (B)
74 running away, without just cause, from any secure placement other
75 than home while referred as a delinquent child to the Court Support
76 Services Division or committed as a delinquent child to the
77 Commissioner of Children and Families for a serious juvenile offense;
78 (13) "serious juvenile offender" means any child convicted as
79 delinquent for commission of a serious juvenile offense; (14) "serious
80 juvenile repeat offender" means any child charged with the
81 commission of any felony if such child has previously been convicted
82 delinquent at any age for two violations of any provision of title 21a,
83 29, 53 or 53a that is designated as a felony; (15) "alcohol-dependent

84 child" means any child who has a psychoactive substance dependence
 85 on alcohol as that condition is defined in the most recent edition of the
 86 American Psychiatric Association's "Diagnostic and Statistical Manual
 87 of Mental Disorders"; and (16) "drug-dependent child" means any
 88 child who has a psychoactive substance dependence on drugs as that
 89 condition is defined in the most recent edition of the American
 90 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
 91 Disorders". No child shall be classified as drug dependent who is
 92 dependent (A) upon a morphine-type substance as an incident to
 93 current medical treatment of a demonstrable physical disorder other
 94 than drug dependence, or (B) upon amphetamine-type, ataractic,
 95 barbiturate-type, hallucinogenic or other stimulant and depressant
 96 substances as an incident to current medical treatment of a
 97 demonstrable physical or psychological disorder, or both, other than
 98 drug dependence.

99 Sec. 2. Section 46b-148 of the general statutes is repealed and the
 100 following is substituted in lieu thereof (*Effective October 1, 2007*):

101 [When] (a) Except as provided in subsection (b) of this section,
 102 when a child whose family has been adjudicated as a family with
 103 service needs in accordance with section 46b-149, as amended by this
 104 act, violates any valid order which regulates future conduct of the
 105 child made by the court following such an adjudication, a probation
 106 officer, on receipt of a complaint setting forth facts alleging such a
 107 violation, or on his own motion on the basis of his knowledge of such a
 108 violation, may file a petition with the court alleging that the child has
 109 committed a delinquent act by reason of having violated a valid court
 110 order and setting forth the facts claimed to constitute such a violation.
 111 Such child may be processed as any other delinquent child under this
 112 chapter, except that: (1) [such] Such child shall not be held [in
 113 detention] prior to a hearing on such petition for more than seventy-
 114 two hours, excluding Saturdays, Sundays and holidays; [and] (2) in
 115 entering any order that directs or authorizes placement in a facility
 116 under the auspices of the Court Support Services Division or

117 commitment to the Department of Children and Families, the judge
118 shall make a determination that there is no less restrictive alternative
119 appropriate to the needs of the child and the community; and (3) any
120 such holding, placement or commitment of the child (A) shall be in a
121 secure residential facility or group home that is gender specific, as
122 necessary, to comprehensively address the unique needs of a targeted
123 gender group and is staffed and operated twenty-four hours a day,
124 seven days a week, and (B) shall not be in a juvenile detention center.

125 (b) Notwithstanding any provision of this chapter, no female child
126 whose family has been adjudicated as a family with service needs in
127 accordance with section 46b-149, as amended by this act, may be
128 processed as a delinquent child or be convicted as delinquent solely for
129 the violation of a valid order which regulates future conduct of such
130 female child made by the court following such an adjudication.

131 Sec. 3. Subsection (h) of section 46b-149 of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective*
133 *October 1, 2007*):

134 (h) If the court finds, based on clear and convincing evidence, that
135 the family of a child is a family with service needs, the court may, in
136 addition to issuing any orders under section 46b-121, (1) refer the child
137 to the Department of Children and Families for any voluntary services
138 provided by said department or, if the family is a family with service
139 needs solely as a result of a finding that a child is a truant or habitual
140 truant, to the authorities of the local or regional school district or
141 private school for services provided by such school district or such
142 school, which services may include summer school, or to community
143 agencies providing child and family services; (2) commit [that] the
144 child to the care and custody of the Commissioner of Children and
145 Families for an indefinite period not to exceed eighteen months,
146 provided any such commitment shall be in a secure residential facility
147 or group home that is gender specific, as necessary, to
148 comprehensively address the unique needs of a targeted gender group

149 and is staffed and operated twenty-four hours a day, seven days a
 150 week; (3) order the child to remain in his own home or in the custody
 151 of a relative or any other suitable person (A) subject to the supervision
 152 of a probation officer, or (B) in the case of a family which is a family
 153 with service needs solely as a result of a finding that a child is a truant
 154 or habitual truant, subject to the supervision of a probation officer and
 155 the authorities of the local or regional school district or private school;
 156 or (4) if the family is a family with service needs as a result of the child
 157 engaging in sexual intercourse with another person and such other
 158 person is thirteen years of age or older and not more than two years
 159 older or younger than such child, (A) refer the child to a youth service
 160 bureau or other appropriate service agency for participation in a
 161 program such as a teen pregnancy program or a sexually transmitted
 162 disease program, and (B) require such child to perform community
 163 service such as service in a hospital, an AIDS prevention program or
 164 an obstetrical and gynecological program. If the court issues any order
 165 which regulates future conduct of the child, parent or guardian, the
 166 child, parent or guardian, shall receive adequate and fair warning of
 167 the consequences of violation of the order at the time it is issued, and
 168 such warning shall be provided to the child, parent or guardian, to his
 169 attorney and to his legal guardian in writing and shall be reflected in
 170 the court record and proceedings.

171 Sec. 4. (NEW) (*Effective October 1, 2007*) The Court Support Services
 172 Division, in collaboration with the Department of Children and
 173 Families, shall ensure that a continuum of community-based programs
 174 and services are available for female children involved in the juvenile
 175 justice system, including, but not limited to: (1) Community service
 176 programs; (2) graduated sanctions; (3) mediation; (4) family therapy;
 177 (5) adolescent substance abuse intervention; (6) intensive in-home
 178 child and psychiatric services; (7) community advocates or case
 179 managers to act as advocates for access to community services; (8)
 180 school-based educational services; (9) group homes for such female
 181 children that shall have at least four but not more than six residential
 182 beds; and (10) at least three emergency respite homes for runaway or

183 truant female children who are not within the jurisdiction of the
184 superior court for juvenile matters or under the supervision of the
185 Commissioner of Children and Families that shall have not fewer than
186 six residential beds and shall provide access to comprehensive
187 community-based services. The programs and services provided under
188 this section shall be gender specific, as necessary, to comprehensively
189 address the unique needs of a targeted gender group and shall include
190 a counseling component that considers the family and other
191 relationships of such female children and the effect of such
192 relationships on behavior, and the psychological consequences of the
193 various types of trauma suffered by such female children.

194 Sec. 5. (NEW) (*Effective from passage*) There shall be a commission to
195 oversee the development and implementation of the community-based
196 programs and services for female children involved in the juvenile
197 justice system as provided in section 4 of this act. The commission shall
198 consist of the following members: (1) One member appointed by the
199 speaker of the House of Representatives; (2) one member appointed by
200 the president pro tempore of the Senate; (3) one member appointed by
201 the majority leader of the House of Representatives; (4) one member
202 appointed by the majority leader of the Senate; (5) one member
203 appointed by the minority leader of the House of Representatives; (6)
204 one member appointed by the minority leader of the Senate; (7) the
205 Chief Court Administrator, or the Chief Court Administrator's
206 designee, and (8) the Commissioner of Children and Families, or the
207 commissioner's designee. All appointments to the commission shall be
208 made not later than thirty days after the effective date of this section.
209 The term of each member appointed under subdivisions (1) to (6),
210 inclusive, of this section shall be coterminous with the term of the
211 appointing authority, and any vacancy shall be filled by the appointing
212 authority. The speaker of the House of Representatives and the
213 president pro tempore of the Senate shall select the chairpersons of the
214 commission from among the members of the commission. Such
215 chairpersons shall schedule the first meeting of the commission, which
216 shall be held not later than sixty days after the effective date of this

217 section. Not later than February 1, 2006, the commission shall submit a
 218 report to the Governor and the General Assembly, in accordance with
 219 section 11-4a of the general statutes, concerning the commission's
 220 recommendations for the development and implementation of, and the
 221 budgeting of funds for, such programs and services.

222 Sec. 6. (*Effective July 1, 2005*) The Department of Children and
 223 Families shall establish in Middlesex County a safe harbor respite
 224 home that shall be known as "Makalya's House". Said respite home
 225 shall be a secure placement resource for adolescent females between
 226 the ages of fourteen and sixteen years who have been referred to said
 227 respite home by local police or school officials because they are beyond
 228 the control of their parents, guardians or other custodians or have run
 229 away from the parental home or another properly authorized and
 230 lawful place of abode, but who are not within the jurisdiction of the
 231 superior court for juvenile matters or under the supervision of the
 232 Commissioner of Children and Families. Said respite home shall have
 233 not fewer than six residential beds and shall be staffed and operated
 234 twenty-four hours a day, seven days a week. Residents of said respite
 235 home shall be provided substance abuse treatment and counseling,
 236 educational programs, mental health services and other related
 237 services as needed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	46b-120
Sec. 2	<i>October 1, 2007</i>	46b-148
Sec. 3	<i>October 1, 2007</i>	46b-149(h)
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>July 1, 2005</i>	New section

Statement of Purpose:

To provide that no female child whose family has been adjudicated as a family with service needs may be processed as a delinquent child or be convicted as delinquent solely for the violation of a court order

which regulates future conduct of such female child, to require that a family with service needs child who violates such an order be referred to a gender specific, secure residential facility or group home and not a juvenile detention center, to provide for a continuum of community-based programs and services to be available for female children involved in the juvenile justice system, to establish a commission to oversee the implementation of such programs and services, and to establish a respite home for runaway and beyond control adolescent females to be known as "Makalya's House".

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]